

Exhibit C

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SHEILA J. PORTER, Plaintiff
-vs- Civil Action
ANDREA CABRAL, SUFFOLK COUNTY Sheriff's Department, SUFFOLK No. 04-11935-DPW
COUNTY and CORRECTIONAL MEDICAL SERVICES, INC., Defendants

DEPOSITION OF ANDREA CABRAL, ESQUIRE, a witness called on behalf of the Plaintiff, in the above-captioned matter, said deposition being taken pursuant to the Federal Rules of Civil Procedure, before Patricia M. McLaughlin, a Certified Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the offices of Goodwin Procter LLP, Exchange Place, Boston, Massachusetts, on Friday, May 6, 2005, commencing at 9:40 a.m.

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ANDREA CABRAL, ESQUIRE
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EXCERPT

APPEARANCES:

JOSEPH F. SAVAGE, JR., ESQUIRE

and

DAVID S. SCHUMACHER, ESQUIRE

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On behalf of the Plaintiff

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Sheriff's Department and Suffolk

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On behalf of the Defendant,

Correctional Medical Services, Inc.

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1 contained in S220 if it's contained anywhere?
2 A If it's contained anywhere, yes.
3 Q And you indicated to us that there has now
4 been a modification of S220 that addresses
5 that issue differently?
6 A That clarifies that issue, yes.
7 Q And again, what needed to be clarified was
8 what? What is not clear here that is now
9 clear in your view under the new
10 soon-to-be-issued policy?
11 A Well, I start by saying that I don't believe
12 that the previous policy was unclear, but at
13 the suggestion of AUSA Huggard, we agreed to
14 add language that indicates that employees
15 are permitted certainly to report -- I
16 believe the words are suspected illegal or
17 criminal activity to outside law enforcement
18 agencies, along with the commensurate
19 responsibility to report them internally.
20 Q And the entirety of that new policy is
21 consistent with the recommendations, as you
22 understand it, from Mr. Huggard?
23 A I believe so.
24 Q He was focused both on the fact that there

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1 should be reporting to outside agencies and
2 also mandatory reporting to internal
3 investigators as well?
4 MS. CAULO: Objection.
5 A No, he was focused on reporting to the FBI.
6 Q And policy or not policy, I mean you've
7 always understood, I presume, particularly
8 given your background, that there is a First
9 Amendment right to speak, right?
10 A Yes.
11 Q And that the First Amendment right would
12 encompass anyone's right to speak to the FBI
13 or to whomever else they wanted?
14 A I assume so, yes.
15 Q And I'm just saying obvious stuff here.
16 That's a long well-established right that
17 you're personally completely familiar with,
18 right?
19 MS. CAULO: Objection.
20 A I'm familiar with the First Amendment.
21 Q And you're familiar that that's a right that
22 encompasses a right to speak to outside
23 agencies, including the FBI?
24 MS. CAULO: Objection.

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1 A Yes, it encompasses the right to speak, and I
2 assume that would include speaking to anyone
3 in outside law enforcement.
4 Q Do you know an individual, a former inmate or
5 maybe a present inmate, named Rene Rosario?
6 A I know of him. I don't know him personally.
7 Q Have you ever met him?
8 A No.
9 Q Have you ever seen him?
10 A No.
11 Q Do you know when you first came to know of
12 him?
13 A He was first mentioned to me shortly after I
14 became sheriff, and he was identified to me
15 as an inmate who had worn an electronic
16 recording device inside the institution.
17 Q Do you remember how long you had been sheriff
18 when you learned that?
19 A My memory is that it was within the first
20 month or so.
21 Q Do you remember who you learned that from?
22 A I believe I learned it from former SID chief,
23 Richie DeMeo.
24 Q What was the context in which he's bringing

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1 this past cooperation of the inmate with the
2 FBI to your attention?
3 MS. CAULO: Objection.
4 MR. SAVAGE: What's the basis for the
5 objection?
6 MS. CAULO: Read back the question,
7 because I thought you said something I wasn't
8 accepting as a fact that had been
9 established.
10 MR. SAVAGE: I just need to hear it so I
11 can fix it.
12 (Reporter read question as recorded.)
13 MS. CAULO: I wasn't sure that you had
14 established that the answer had previously
15 established that the wearing of the recording
16 device was at the behest of or with of FBI.
17 Q We'll do it in pieces. Did I understand you
18 to say that -- is it Officer DeMeo?
19 A He was the chief of SID.
20 Q That Chief DeMeo was explaining to you that
21 Inmate Rosario had cooperated by wearing a
22 wire at the request of the FBI?
23 A I don't recall exactly what he said, but I
24 certainly came away with the understanding